

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RUSTY LEE ROUSE,

Plaintiff,

V.

KEVIN HANSEN, *et al.*,

Defendants.

CASE NO. 3:24-cv-05068-TL-GJL

ORDER DENYING MOTION TO
COMPEL DISCOVERY

The District Court has referred this prisoner civil rights action to United States Magistrate Judge Grady J. Leupold. On April 23, 2024, Plaintiff filed a document docketed as a “Motion to Compel Discovery.” Dkt. 18. Upon review, the Court concludes Plaintiff is not attempting to compel discovery, but rather he is attempting to serve discovery requests on Defendants.

Under Federal Rule of Civil Procedure 34(a)(1), “[a] party may serve on any other party a request …to produce[.]” *See also* Local Civil Rule (“LCR”) 5 (“[D]iscovery requests and responses must not be filed until they are used in the proceedings or the court orders filing.”). To properly serve his discovery requests, Plaintiff must mail his discovery requests to Defense

1 Counsel. In addition, Plaintiff is advised that his discovery request is premature, as the Court has
2 not yet issued a scheduling order outlining the timeline for discovery.

3 Plaintiff is further advised that, before he may seek a court order compelling Defendants
4 to provide discovery responses, he must comply with the certification requirements outlined in
5 the Federal Rules of Civil Procedure and expounded by this Court's Local Rules.

6 Rule 37(a)(1) of the Federal Rules of Civil Procedure states:

7 . . . On notice to other parties and all affected persons, a party may move for an
8 order compelling disclosure or discovery. The motion **must include a certification**
9 that the movant has in good faith conferred or attempted to confer with the person
or party failing to make disclosure or discovery in an effort to obtain it without
court action.

10 The Court's Local Rules provides that if the moving party does not include a certification of a
11 good faith effort to meet and confer, "the court may deny [a motion to compel] without
12 addressing the merits of the dispute." *See* Local Rules W.D. Wash. LCR 37(1). The Local Rules
13 further explain that the meet and-confer requirement entails "a good faith conference in person or
14 by telephone to attempt to resolve the matter in dispute without the court's involvement." LCR
15 1(c)(6). The certification requirement outlined in these rules is designed to encourage resolution
16 of discovery disputes informally and without court intervention., as discovery motions are
17 strongly disfavored by the Court.

18 Accordingly, Plaintiff's Motion to Compel Discovery (Dkt. 18) is **DENIED without
19 prejudice.**

20 Dated this 9th day of May, 2024.

21
22 
23 Grady J. Leupold
24 United States Magistrate Judge